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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 * * *

9 TIMOTHY G. RANDOLPH,

10 Plaintiff,

Case No.

11 vs.

12 THE CITY OF SPARKS,

**COMPLAINT AND JURY
DEMAND**

13 Defendants.
14 _____/

15 COMES NOW the Plaintiff, TIMOTHY G. RANDOLPH, by and through Counsel, Ian E.
16 Silverberg, Esq., and for causes of action against the Defendants, and each of them, does hereby
17 alleges the following:

18 **JURISDICTIONAL ALLEGATIONS**

19 1. Plaintiff at all times relevant herein was and is an adult competent male who brings this
20 action and invokes the Court's Federal Question jurisdiction pursuant to 29 USC § 621, et seq.,
21 known as the Age Discrimination in Employment Act, hereafter referred to as the "ADEA." Plaintiff
22 further brings this action pursuant to Nevada Revised Statute Chapter 613; specifically, NRS
23 613.310, 613.330 and 613.340, as well as related common law causes of action.

24 2. The Defendant, CITY OF SPARKS, is a municipality in the County of Washoe, State of
25 Nevada, employing more than 15 full time employees, and was the employer of the Plaintiff at all
26 times relevant herein.
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SECOND CAUSE OF ACTION

(Age Discrimination - NRS 613.330)

23. Plaintiff hereby incorporates by reference paragraphs 1-22 of this Complaint as if fully set forth herein.

24. The acts and omissions complained of herein are in violation of Nevada Revised Statute section 613.330, in that the Plaintiff was treated differently than younger co-workers with less experience and seniority by being subject to termination, later changed to a lay-off.

25. The Defendant alleges the lay-off was for budgetary reasons, but Plaintiff is informed and believes and thereupon alleges that this is a pretext for unlawful age discrimination.

26. As a direct and proximate result, the Plaintiff has suffered damages as set forth herein and in an amount to be proved at trial.

THIRD CAUSE OF ACTION

(Retaliation - ADEA)

27. Plaintiff hereby incorporates by reference paragraphs 1-26 of this complaint as if fully set forth herein.

28. Plaintiff engaged in a protected activity by voicing his objection to discriminatory treatment as set forth above and by then bringing the Age Discrimination issue to the Sparks City Council.

29. Plaintiff suffered adverse employment actions by being terminated.

30. As a direct and proximate result, the Plaintiff has suffered damages as set forth herein and in an amount to be proved at trial.

FOURTH CAUSE OF ACTION

(Retaliation - NRS 613.330)

31. Plaintiff hereby incorporates by reference paragraphs 1-30 of this complaint as if fully set forth herein.

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32. Plaintiff engaged in a protected activity by voicing his objection to discriminatory treatment as set forth above and by then bringing the Age Discrimination issue to the Sparks City Council.

33. Plaintiff suffered adverse employment actions by being terminated.

34. As a direct and proximate result, the Plaintiff has suffered damages as set forth herein and in an amount to be proved at trial.

FIFTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

35. Plaintiff hereby incorporates by reference paragraphs 1-34 of this Complaint as if fully set forth herein.

36. Defendant intentionally subjected the Plaintiff to severe emotional distress by terminating the Plaintiff in violation of his civil rights and in an embarrassing manner, with full knowledge that this conduct was in violation of the ADEA and related Nevada Civil rights Statutes, and with full knowledge that the same would have a severely adverse effect on the Plaintiff's pension.

37. As a direct and proximate result of this negligence, the Plaintiff has suffered damages as set forth herein and in an amount to be proved at trial.

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WHEREFORE, Plaintiff respectfully requests the following relief:

1. Compensatory damages in the amount of \$600,000.00;
2. Special damages according to proof;
3. Punitive damages in the amount of \$600,000.00;
4. Attorney's fees and costs; and,
5. For any further relief the Court may consider appropriate under the circumstances.

JURY DEMAND: Plaintiff requests a jury be empaneled to adjudicate the factual issues relating to this complaint.

DATED this 28th day of August, 2012.

Ian E. Silverberg, Esq. /s/
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